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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation/Petition to
12 Revoke Probation Against:

13 **LAWRENCE JACKSON, JR.**
14 **3602 W. 126th Street, Apt. D**
15 **Hawthorne, Ca. 90250**

16 Registered Nurse License No. 680171

Respondent.

Case No. 2010-99

**ACCUSATION AND PETITION TO
REVOKE PROBATION**

17 Complainant alleges:

18 PARTIES

19 1. Complainant Louise R. Bailey, M.Ed, RN, Interim Executive Officer
20 (Complainant) brings this Accusation and Petition to Revoke Probation solely in her official
21 capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about June 5, 2006, the Board of Registered Nursing issued Registered
24 Nurse License Number 680171 to Lawrence Jackson, Jr. (Respondent). The Registered Nurse
25 License was in effect at all times relevant to the charges brought herein and will expire on
26 October 31, 2009, unless renewed.

27 3. In a proceeding entitled "In the Matter of the Statement of Issues Against
28 Lawrence Jackson, Jr.," Case No. 2004-108, the Board of Registered Nursing, issued a decision,

1 effective January 16, 2005, in which Respondent's Registered Nurse License was revoked.
2 However, the revocation was stayed and Respondent's license was placed on probation for a
3 period of three (3) years with certain terms and conditions. A copy of that decision is attached as
4 Exhibit A and is incorporated by reference.

5 JURISDICTION

6 4. This Accusation and Petition to Revoke Probation is brought before the Board of
7 Registered Nursing (Board), Department of Consumer Affairs, under the authority of the
8 following laws. All section references are to the Business and Professions Code unless otherwise
9 indicated.

10 5. Section 2750 states, in pertinent part:

11 "Every certificate holder or licensee, including licensees holding temporary
12 licenses, or licensees holding licenses placed in an inactive status, may be disciplined as provided
13 in this article [article 3, commencing with section 2750]. As used in this article, 'license' includes
14 certificate, registration, or any other authorization to engage in the practice regulated by this
15 chapter [chapter 6, commencing with section 2700]."

16 6. Section 2764 states:

17 "The lapsing or suspension of a license by operation of law or by order or decision
18 of the board or a court of law, or the voluntary suspension of a license by a licentiate shall not
19 deprive the board of jurisdiction to proceed with any investigation of or disciplinary proceeding
20 against such license, or to render a decision suspending or revoking such license."

21 7. Section 2761 states, in pertinent part:

22 "The board may take disciplinary action against a certified or licensed nurse or
23 deny an application for a certificate or license for any of the following:

24 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

25 (1) Incompetence, or gross negligence in carrying out usual certified or
26 licensed nursing functions."

27 ". . . .
28

1 “(d) Violating or attempting to violate, directly or indirectly, or assisting in or
2 abetting the violating of, or conspiring to violate any provision or term of this chapter [the
3 Nursing Practice Act] or regulations adopted pursuant to it.”

4 8. California Code of Regulations, title 16, section 1442, states:

5 "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from the
6 standard of care which, under similar circumstances, would have ordinarily been exercised by a
7 competent registered nurse. Such an extreme departure means the repeated failure to provide
8 nursing care as required or failure to provide care or to exercise ordinary precaution in a single
9 situation which the nurse knew, or should have known, could have jeopardized the client's health
10 or life."

11 9. California Code of Regulations, title 16, section 1443 states: [a]s used in Section
12 2761 of the code, "incompetence" means the lack of possession of or the failure to exercise that
13 degree of learning, skill, care and experience ordinarily possessed and exercised by a competent
14 registered nurse as described in Section 1443.5.

15 10. California Code of Regulations, title 16, section 1443.5 states [a] registered nurse
16 shall be considered to be competent when he or she consistently demonstrates the ability to
17 transfer scientific knowledge from social, biological and physical sciences in applying the nursing
18 process, as follows:

19 (1) Formulates a nursing diagnosis through observation of the client's physical
20 condition and behavior, and through interpretation of information obtained from
21 the client and others, including the health team.

22 (2) Formulates a care plan, in collaboration with the client, which ensures that
23 direct and indirect nursing care services provide for the client's safety, comfort,
24 hygiene, and protection, and for disease prevention and restorative measures.

25 (3) Performs skills essential to the kind of nursing action to be taken, explains the
26 health treatment to the client and family and teaches the client and family how to
27 care for the client's health needs.
28

(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.

(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

11. Section 125.3, subdivision (a), states, in pertinent part:

"Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department . . . the board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case."

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence and/or Incompetence)

12. Respondent has subjected his license to disciplinary action under section 2761, subdivision (a)(1), of the Code, as defined in California Code of Regulations, title 16, section 1442, California Code of Regulations, title 16, section 1443 and California Code of Regulations, title 16, section 1443.5, in that Respondent was grossly negligent and/or incompetent, in the following respects:

(A). On or about May 18, 2009, while employed as a registered nurse in the Oncology Unit of Glendale Adventist Medical Center located in Glendale, California, Respondent wrote an order to type, cross and transfuse two (2) units of blood on the wrong patient's chart. Respondent began the transfusion and initiated the first unit of

1 blood despite the patient and the caregiver questioning why the transfusion was needed.
2 Subsequently, the transfusion error was discovered by the charge nurse and stopped.
3 However, Respondent failed to provide documentation in the patient's chart indicating
4 that he had committed a transfusion error. In addition, after the error, Respondent failed to
5 advise the oncoming RN during the shift report that he had made an error transfusing
6 blood on the wrong patient. Likewise, Respondent never made the patient's physician
7 aware of the error committed by Respondent. Moreover, despite making such an error,
8 Respondent made no further assessment of the patient's condition. Respondent, against
9 hospital policy, subsequently removed the transfusion order and the transfusion record
10 from the patient's chart and took it home with him. When questioned why he took these
11 medical records home, Respondent told his supervisor that he took the documents home
12 for reference because he knew he would be questioned about them. On or about May 27,
13 2009, Respondent's employment was terminated at Glendale Adventist Medical Center
14 due to the events mentioned above and/or his unsatisfactory work performance.

15 **SECOND CAUSE FOR DISCIPLINE**

16 (Violations of the Board's Rules and Regulations)

17 13. Respondent has subjected his license to disciplinary action under section 2761,
18 subdivision (d), of the Code, in that Respondent has violated the Board's rules and regulations as
19 set forth more specifically in paragraph 12.

20 **PETITION TO REVOKE PROBATION**

21 14. In a proceeding entitled "In the Matter of the Statement of Issues Against:
22 Lawrence Jackson, Jr, Case No. 2004-108, the Board of Registered Nursing issued a decision,
23 effective January 16, 2005, in which Respondent's Registered Nurse License was revoked.
24 However, revocation was stayed and Respondent's license was placed on probation for three (3)
25 years with certain terms and conditions. A copy of the decision is attached as Exhibit A and is
26 incorporated herein by reference. The terms and conditions included:

27 Condition 1 of Probation:
28

1 "1. Obey All Laws. Respondent shall obey all federal, state and local laws. A
2 full and detailed account of any and all violations of law shall be reported by Respondent to the
3 Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
4 compliance with this condition, Respondent shall submit complete fingerprint forms and
5 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
6 as part of the licensure application process.

7 Criminal Court Orders: If Respondent is under criminal court orders, including
8 probation or parole, and the order is violated, this shall be deemed a violation of these probation
9 conditions, and may result in the filing of an accusation and/or petition to revoke probation."

10 Condition 2 of Probation:

11 "2. Comply with the Board's Probation Program. Respondent shall fully
12 comply with the conditions of the Probation Program established by the Board and cooperate with
13 representatives of the Board in its monitoring and investigation of the Respondent's compliance
14 with the Board's Probation Program. Respondent shall inform the Board in writing within no
15 more than 15 days of any address change and shall at all times maintain an active, current license
16 status with the Board, including during any period of suspension. Upon successful completion of
17 probation, Respondent's license shall be fully restored."

18 Condition 5 of Probation:

19 "5. Submit Written Reports. Respondent, during the period of probation, shall
20 submit or cause to be submitted such written report/declarations and verification of actions under
21 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
22 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
23 Respondent shall immediately execute all release of information forms as may be required by the
24 Board or its representatives."

25 **GROUND FOR REVOKING PROBATION**

26 15. Grounds exist for revoking probation and reimposing the Order of revocation of
27 Respondent's license in that Respondent failed to comply with the following terms of probation:
28

A. Probation Term No. 1: Obey all Laws. Respondent failed to comply with this condition in violating the Board's rules and regulations as further set forth in paragraphs 12 through 15.

B. Probation Term No. 2: Comply with the Board's Probation Program.

Respondent failed to fully cooperate with the Board and has failed to fully comply with the terms and conditions of her probation as more fully set forth herein as further set forth in paragraphs 12 through 15.

C. Probation Term No. 5: Submit Written Reports. Respondent was not timely in submitting his quarterly reports to the Board. On his Fourth Quarterly Report, covering the period October 1, 2007, to December 31, 2007, Respondent was required to submit his report to the Board on January 7, 2008. However, Respondent did not submit his report to the Board until January 23, 2008. On his First Quarterly Report covering the period January 1, 2008 to March 31, 2008, Respondent was required to submit his report to the Board on April 7, 2008. However, Respondent did not submit his quarterly report to the Board until April 21, 2008.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged; and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking the probation that was granted by the Board of Registered Nursing in Case No. 2004-108 and imposing the disciplinary order that was stayed thereby revoking Registered Nurse License No. 680171 issued to Lawrence Jackson, Jr.;

2. Revoking or suspending Registered Nurse License No. 680171, issued to Lawrence Jackson, Jr.;

3. Ordering Lawrence Jackson, Jr. to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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4. Taking such other and further action as deemed necessary and proper.

DATED: 8/19/09


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

LAWRENCE JACKSON JR.

Case No. 2004-108

OAH No. L2004010041

Respondent.

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

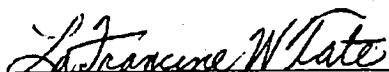
Now, therefore, pursuant to the provisions of California Government Code Section 11517(c)(2)(C),

IT IS SO ORDERED:

1. That the following technical error in the proposed decision is corrected, as follows: The effective date of the Decision, January 16, 2004, should be January 16, 2005, and the proposed decision is changed to reflect this; and
2. that the attached proposed decision is hereby adopted by the Board of Registered Nursing as its Decision in this matter, and is ordered officially filed.

This Decision shall become effective on January 16, 2005.

IT IS SO ORDERED December 17, 2004.



Vice-President
Board of Registered Nursing
Department of Consumer Affairs
State of California

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

LAWRENCE JACKSON JR.

Respondent.

Case No. 2004-108

OAH No. L2004010041

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on January 16, 2004.

IT IS SO ORDERED this 17th day of December, 2004.

Sandra K. Erickson

President
Board of Registered Nursing
Department of Consumer Affairs
State of California

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

LAWRENCE JACKSON, JR.

Respondent.

Case No. 2004-108

OAH No. L-2004010041

PROPOSED DECISION

Ralph B. Dash, Administrative Law Judge with the Office of Administrative Hearings, heard this matter on September 14, 2004, at Los Angeles, California.

Gregory Salute, Deputy Attorney General, represented Complainant.

Phyllis Gallagher, Attorney at Law, represented Respondent.

Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge makes the following Proposed Decision.

* * * * *

FINDINGS OF FACT

1. Ruth Ann Terry, M.P.H., R.N., made the Statement of Issues in her official capacity as the Executive Officer of the Board of Registered Nursing (Board).
2. Respondent Lawrence Jackson, Jr. (Respondent), filed his application, dated January 3, 2003, with the Board for licensure by examination as a registered nurse. The application was denied on May 14, 2003, and this hearing ensued.
3. On March 24, 1992, in the Municipal Court of the South Bay Judicial District, County of Los Angeles, State of California, Respondent was convicted on his plea of nolo contendere to one count of violating Penal Code Section 484, subdivision (a), petty theft (shoplifting), a crime of moral turpitude that is substantially related to the functions, duties and qualifications of a Board licensee.

Execution of sentence (180 days in County Jail) was suspended, and Respondent was placed on summary probation for a period of three years, ordered to perform 190 hours of community service, and pay a fine of \$950. On July 9, 1992, a notice of completion of community service was filed with the court.

On October 3, 2003, the court entered its order under the provisions of Penal Code Section 1203.4 whereby Respondent's nolo contendere plea was vacated, a plea of not guilty was entered on his behalf, and the criminal complaint was dismissed (commonly referred to as an "expungement of the record.")

4. On August 9, 1994, in the same court, Respondent was convicted on his plea of nolo contendere to one count of violating Penal Code Sections 666/484, subdivision (a), petty theft (shoplifting) with a prior conviction for the same offense. Execution of sentence (365 days in County Jail) was suspended and Respondent was placed on summary probation for a period of three years on condition he perform 60 days of community service. Court records show Respondent completed his community service (CalTrans work) during his first year of probation for this offense. On October 3, 2003, the court entered an order of expungement of the record.

5. On December 2, 1999, in the Municipal Court of the Los Angeles Criminal Judicial District, Respondent was again convicted on his plea of nolo contendere to committing petty theft, with a prior conviction for the same offense. Imposition of sentence was suspended and Respondent was placed on summary probation for a period of three years and ordered to perform 45 days of community service with CalTrans. On November 12, 2003, the court entered an order of expungement of the record.

6. On February 6, 2001, Respondent was convicted on his plea of nolo contendere to one count of violating Penal Code Section 422, threatening to commit a crime which will result in great bodily harm, a crime substantially related to the functions, duties and qualifications of a Board-licensed licensee. Imposition of sentence was suspended and Respondent was placed on formal probation for period of 36 months. He was also ordered to perform 90 days of community service with CalTrans, and to complete an anger management program.

Respondent completed the anger management program on May 24, 2001. On September 18, 2002, the court converted the formal probation to "unsupervised" formal probation. On March 14, 2003, the court terminated probation and entered an order of expungement of the record.

The facts and circumstances of this crime were not set forth with particularity. Apparently, Respondent lost, or at least believed he had lost, approximately \$2000 in cash with which he intended to purchase a car. Respondent went to the place of business, a "second hand shop" where he believed he had lost his money and made loud and threatening demands for its return.

7. Respondent has been married for the past five years. He met his wife in the nursing program they both attended at Pierce Junior College. Respondent graduated from that program in December of 2002. He was well liked and admired by his teachers. Melva Giles, Ed.D, MSN,

Professor of Nursing at Pierce College wrote a letter of recommendation¹ for Respondent, which praised Respondent's academic performance and professional demeanor, and included the following passage:

In my experiences with [Respondent], his maturity, composure, and behavior has always been indicative of the type of individual who exudes professionalism. Hhe thinks before he speaks, he respects others and their opinions. His peers are fond of him.

[Respondent] is an intelligent person in that he learns from experiences, he acquires new knowledge quickly; and, he responds appropriately and successfully to challenging or new situations. In addition, [Respondent] is known to be able to work alone or with a team, whatever the situation calls for, and do it well.

Another of Respondent's teachers, preceptor Charles Pierson, testified at the hearing, and praised Respondent's ability to function well in high stress situations. Mr. Pierson, who agreed with what Dr. Giles wrote as set forth above, noted that Respondent would receive compliments not only from patients, but from others who worked with him as well. During the preceptorship, Respondent had "hands on" experience, had access to drugs, and was required to do charting. Mr. Pireson found no instance in which Respondent was dishonest in his work, and believes Respondent would make a good nurse.

8. Respondent's court-ordered anger management program served Respondent well. In his final progress report of May 24, 2001, Respondent's counselor wrote:

[Respondent] has successfully completed the requirements of the anger management program. He shows that he has modified his behavior and is now able to manage his emotions. Very cooperative and positive attitude expressed.

9. Respondent has sought counseling in addition to that ordered by the court. Since April, 2004, he has had more than 20 sessions with psychologist Dr. Ronald Banks since. In addition to counseling Respondent, Dr. Banks conducted three clinical interviews with him and administered a battery of tests to determine whether Respondent was fit "to perform nursing functions in a manner consistent with public health, safety, and welfare." These tests included the 16PF Fifth Edition Human Resource Development Report, the Quality Healthcare Employee Inventory (QHEI), and the Personnel Selection Inventory. In his report dated July 20, 2004², Dr. Banks wrote, in part:

¹ On February 10, 2003, Dr. Giles wrote a letter to the Board in which she expressed her dismay that she had written her letter of reference without knowing Respondent's criminal history, and stated further that had she known of his background, she would not have written the reference letter. However, Dr. Giles did not say that her reference letter was untrue.

² Dr. Banks testified at the hearing of this matter. His testimony was consistent with his written report.

The QHEI assessment was developed specifically for the unique hiring needs of the healthcare industry. Appropriate for most positions, it helps identify applicants who are likely to demonstrate courtesy, responsiveness and concern toward patients, co-workers, and others. [Respondent's] QHEI analysis scores indicates significant positive behavioral indicators on the *Healthcare Service Scales*, most specifically the *Service Attitude* subscale. The *Content Scales* show high scores on the *Healthcare Values, Safety, and Tenure* subscales...The QHEI report conclusion is **Recommend** in the hiring of [Respondent]....

In considering all the information gathered on [Respondent], it appears that although he has faced several challenges in life he has been committed to leading a positive lifestyle for sometime [sic]. He is motivated to continue bettering his life and wishes to have an ongoing professional career. He has maintained consistent employment and has continued to work to improve his emotional health and enhance the strengths he possesses in weekly therapeutic sessions. He presents as emotionally healthy and at this time does not appear to be at risk for any law violations or other inappropriate behaviors... (italics and emphasis in original)

10. Respondent has a very loving and supportive family, and demonstrated that he has become a loving and supportive husband and father. This family "safety net" has served him well on his road to rehabilitation. As noted below, Respondent's criminal conduct, set forth in Findings 3 through 6, provides the Board with grounds to deny Respondent's application. The Board is charged with ensuring that the public's health, safety and welfare will not be placed at risk by its licensees. In doing so, the Board must examine carefully not only Respondent's past conduct, but his efforts at rehabilitation as well. In light of the passage of time since Respondent's most recent criminal conduct, the fact that each of his convictions has been expunged, Respondent's diligence and skill in learning the nursing profession, his loving and supportive family, and the significant steps Respondent has taken to learn about and properly deal with his emotions and conduct with others, the Board can properly discharge its duty to the public by issuing Respondent the applied for license, provided it is conditioned as set forth below.

* * * * *

CONCLUSIONS OF LAW

1. The convictions described in Findings 3 through 6, are grounds, severally and collectively, for denial of Respondent's application, under the provisions of Business and Professions Code Sections 480, subdivisions (a)(1) and (a)(3), and 2761, subdivision (f).
2. The theft convictions set forth in Findings 3 through 5 also provide grounds, severally and collectively, for denial of the application under the provisions of Business and Professions Code Section 480, subdivision (a)(2).

3. In light of the evidence of rehabilitation set forth in Findings 7 through 10, the public health, safety and welfare will not be adversely affected by granting Respondent's application, provided it is conditioned as set forth below.

* * * * *

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The application of respondent Lawrence Jackson, Jr. for licensure is hereby granted. Upon successful completion of the licensure examination and all other licensing requirements, a license shall be issued to respondent. Said license shall immediately be revoked, the order of revocation stayed and respondent placed on probation for a period of three years on the following conditions:

Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

(1) OBEY ALL LAWS - Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by the respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

CRIMINAL COURT ORDERS: If respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

(2) COMPLY WITH THE BOARD'S PROBATION PROGRAM - Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times

maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, respondent's license shall be fully restored.

(3) REPORT IN PERSON - Respondent, during the period of probation, shall appear in person at interviews/ meetings as directed by the Board or its designated representatives.

(4) RESIDENCY, PRACTICE, OR LICENSURE OUTSIDE OF STATE - Periods of residency or practice as a registered nurse outside of California shall not apply toward a reduction of this probation time period. Respondent's probation is tolled, if and when he or she resides outside of California. The respondent must provide written notice to the Board within 15 days of any change of residency or practice outside the state, and within 30 days prior to re-establishing residency or returning to practice in this state.

Respondent shall provide a list of all states and territories where he or she has ever been licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide information regarding the status of each license and any changes in such license status during the term of probation. Respondent shall inform the Board if he/she applies for or obtains a new nursing license during the term of probation.

(5) SUBMIT WRITTEN REPORTS - Respondent, during the period of probation, shall submit or cause to be submitted such written reports/declarations and verification of actions under penalty of perjury, as required by the Board. These reports/declarations shall contain statements relative to respondent's compliance with all the conditions of the Board's Probation Program. Respondent shall immediately execute all release of information forms as may be required by the Board or its representatives.

Respondent shall provide a copy of this decision to the nursing regulatory agency in every state and territory in which he or she has a registered nurse license.

(6) FUNCTION AS A REGISTERED NURSE - Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If respondent has not complied with this condition during the probationary term, and the respondent has presented sufficient documentation of his or her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of the respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

(7) EMPLOYMENT APPROVAL AND REPORTING REQUIREMENTS - respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this decision to his or her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, respondent shall notify the Board in writing within seventy-two (72) hours after he or she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after he or she is terminated or separated, regardless of cause, from any nursing, or other health care related employment with a full explanation of the circumstances surrounding the termination or separation.

(8) SUPERVISION - Respondent shall obtain prior approval from the Board regarding respondent's level of supervision and/or collaboration before commencing or continuing any employment as a registered nurse, or education and training that includes patient care.

Respondent shall practice only under the direct supervision of a registered nurse in good standing (no current discipline) with the Board of Registered Nursing, unless alternative methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are approved.

Respondent's level of supervision and/or collaboration may include, but is not limited to the following:

(a) Maximum - The individual providing supervision and/or collaboration is present in the patient care area or in any other work setting at all times.

(b) Moderate - The individual providing supervision and/or collaboration is in the patient care unit or in any other work setting at least half the hours respondent works.

(c) Minimum - The individual providing supervision and/or collaboration has person-to-person communication with respondent at least twice during each shift worked.

(d) Home Health Care - If respondent is approved to work in the home health care setting, the individual providing supervision and/or collaboration shall have person-to-person communication with respondent as required by the Board each work day. Respondent shall maintain telephone or other telecommunication contact with the individual providing supervision and/or collaboration as required by the Board during each work day. The individual providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to patients' homes visited by the respondent with or without respondent present.

(9) EMPLOYMENT LIMITATIONS - Respondent shall not work for a nurse's registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse, or for an in-house nursing pool.

Respondent shall not work for a licensed home health agency as a visiting nurse unless the registered nursing supervision and other protections for home visits have been approved by the Board. Respondent shall not work in any other registered nursing occupation where home visits are required.

Respondent shall not work in any health care setting as a supervisor of registered nurses. The Board may additionally restrict respondent from supervising licensed vocational nurses and/or unlicensed assistive personnel on a case-by-case basis.

Respondent shall not work as a faculty member in an approved school of nursing or as an instructor in a Board approved continuing education program.

Respondent shall work only on a regularly assigned, identified and predetermined worksite(s) and shall not work in a float capacity.

If the respondent is working or intends to work in excess of 40 hours per week, the Board may request documentation to determine whether there should be restrictions on the hours of work.

(10) COMPLETE A NURSING COURSE(S) - Respondent, at his or her own expense, shall enroll and successfully complete a course(s) relevant to the practice of registered nursing no later than six months prior to the end of his or her probationary term.

Respondent shall obtain prior approval from the Board before enrolling in the course(s). Respondent shall submit to the Board the original transcripts or certificates of completion for the above required course(s). The Board shall return the original documents to respondent after photocopying them for its records. ○

(11) VIOLATION OF PROBATION - If a respondent violates the conditions of his/her probation, the Board after giving the respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation/suspension) of the respondent's license.

If during the period of probation, an accusation or petition to revoke probation has been filed against respondent's license or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against the respondent's license, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Board.

(12) LICENSE SURRENDER - During respondent's term of probation, if he or she ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, respondent may surrender his or her license to the Board. The Board reserves the right to evaluate respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, respondent will no longer be subject to the conditions of probation.

Surrender of respondent's license shall be considered a disciplinary action and shall become a part of respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

(1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or

(2) One year for a license surrendered for a mental or physical illness.

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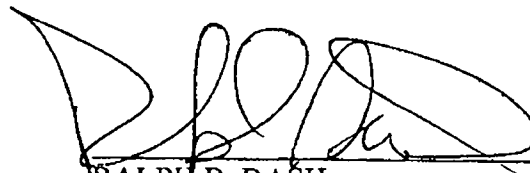
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(13) THERAPY OR COUNSELING PROGRAM - Respondent, at his/her expense, shall participate in an on-going counseling program until such time as the Board releases him/her from this requirement and only upon the recommendation of the counselor. Written progress reports from the counselor will be required at various intervals.

Date: 10-14-04

A handwritten signature in black ink, appearing to read 'R. B. Dash', written over a horizontal line.

RALPH B. DASH
Administrative Law Judge
Office of Administrative Hearings

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6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

Case No. 2004-108

12 **LAWRENCE JACKSON JR.,**
13 **A.K.A. LAWRENCE JACKSON**
7310 S. Halldale Avenue
Los Angeles, CA 90047

STATEMENT OF ISSUES

14 Applicant/Respondent.
15

16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Statement of
19 Issues solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
20 Department of Consumer Affairs.

21 **STATUTORY PROVISIONS**

22 2. Section 2736 of the Business and Professions Code ("Code") provides that
23 the Board of Registered Nursing ("Board") may deny a license when it finds that the applicant
24 has committed any acts constituting grounds for denial of licensure under section 480 of the
25 Code.

26 3. Section 480 of the Code provides, in pertinent part:

27 "(a) A board may deny a license regulated by this code on the grounds that
28 the applicant has one of the following:

1 "(1) Been convicted of a crime. A conviction within the meaning
2 of this section means a plea or verdict of guilty or a conviction following a plea of nolo
3 contendere. Any action which a board is permitted to take following the establishment of a
4 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
5 been affirmed on appeal, or when an order granting probation is made suspending the imposition
6 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
7 Penal Code.

8 "(2) Done any act involving dishonesty, fraud or deceit with the
9 intent to substantially benefit himself or another, or substantially injure another . . ."

10 4. Section 2761 of the Code provides, in pertinent part:

11 "The board may take disciplinary action against a certified or licensed
12 nurse or deny an application for a certificate or license for any of the following:

13 ".

14 "(f) Conviction of a felony or of any offense substantially related
15 to the qualifications, functions, and duties of a registered nurse, in which event the record of the
16 conviction shall be conclusive evidence thereof."

17 5. Title 16, California Code of Regulations, section 1444 provides that a
18 crime or act shall be considered to be substantially related to the qualifications, functions or
19 duties of a registered nurse if to a substantial degree it evidences a present or potential unfitness
20 of a registered nurse to perform the functions authorized by his/her license in a manner consistent
21 with the public health, safety, or welfare.

22 **APPLICATION FOR LICENSURE**

23 6. On or about January 8, 2003, the Board received an Application for
24 Licensure by Examination from Lawrence Jackson, Jr. (hereinafter "Applicant/Respondent ").
25 On January 3, 2003, Applicant/Respondent certified under penalty of perjury that the information
26 contained in the application was true and correct.

27 ///

28 ///

1 **FIRST GROUND FOR DENIAL OF LICENSURE**

2 (Conviction of Crime)

3 7. Grounds exist for the denial of the application of Applicant/Respondent
4 under sections 480(a)(1) and 2761(f) of the Code in that, as set forth below,
5 Applicant/Respondent, among other crimes, committed the following substantially related
6 crimes:

7 a. On March 24, 1992, Applicant/Respondent was convicted by the
8 court on a plea of nolo contendere of violating Penal Code section 484 (a) (theft of property), in
9 Los Angeles County Municipal Court (Criminal Judicial District), Case Number 92M00881
10 entitled: People v. Lawrence Jackson Jr.

11 b. On August 9, 1994, Applicant/Respondent was convicted by the
12 court on a plea of nolo contendere of violating Penal Code section 666 -484(a) (petty theft with a
13 prior conviction), in Los Angeles County Superior Court (Central Judicial District), Case
14 Number 94M06954 entitled: People v. Lawrence Jackson Jr.

15 c. On December 2, 1999, Applicant/Respondent was convicted by the
16 court on a plea of nolo contendere of violating Penal Code section 666 (petty theft with a prior
17 conviction), in Los Angeles County Municipal Court (Criminal Judicial District), Case Number
18 9SF05073 92M00881 entitled: People v. Lawrence Jackson Jr.

19 d. On February 6, 2001, Applicant/Respondent was convicted by the
20 court on a plea of nolo contendere of violating Penal Code sections 422 (making terrorist threat),
21 in Los Angeles County Superior Court (Central Judicial District), Case Number BA202207
22 entitled: entitled: People v. Lawrence Jackson. The circumstances surrounding the conviction
23 are that on or about April 17, 2000, Applicant/Respondent willfully threatened to commit a crime
24 which would result in death or great bodily injury to another person, with the specific intent that
25 the statement, made verbally, in writing, or by means of an electronic communication device,
26 was to be taken as a threat, even if there was no intent of actually carrying it out, which, on its
27 face and under the circumstances in which it was made, was so unequivocal, unconditional,
28 immediate, and specific as to convey to the person threatened, a gravity of purpose and an

1 immediate prospect of execution of the threat, and thereby caused that person reasonably to be in
2 sustained fear for his or her own safety or for his or her immediate family's safety.

3 **SECOND GROUND FOR DENIAL OF LICENSURE**

4 (Commission of a Dishonest, Fraudulent, or Deceitful Act)

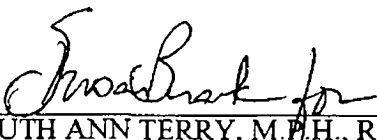
5 8. Grounds exist to deny the application of Applicant/Respondent under
6 section 480(a)(2) of the Code in that Applicant/Respondent, as set forth in paragraph 7 (a)
7 through (c) above, has committed acts involving dishonesty, fraud or deceit with the intent to
8 substantially benefit Applicant/Respondent or another, or to substantially injure another.

9 **PRAYER**

10 **WHEREFORE**, Complainant requests that a hearing be held on the matters
11 herein alleged, and that following the hearing the Board make an order:

- 12 1. Denying the application of Lawrence Jackson, Jr., also know as Lawrence
13 Jackson;
14 2. Taking such other and further action as deemed necessary and proper.

15 **DATED:** 11/20/03

16
17
18 
19 RUTH ANN TERRY, M.P.H., R.N.
20 Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant

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